

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1914 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

STATE OF GUJARAT

Appearance:

MR SI NANAVATI for Petitioners (ABSENT)
MR LR PUJARI, AGP, for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 05/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

The petitioners have challenged the provisions of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, as ultra vires Articles 14 of the Constitution and consequently the notification dated 29.10.1983, at Annexure-A to the petition, issued under that provision.

2 The question of constitutional validity of Section 10 was considered by the Supreme Court in the case of M/S GAMMON INDIA LIMITED V. UNION OF INDIA reported in AIR 1974 SC 1960 and it was held that the provision did not violate Article 14 or 19(1)(g) of the Constitution. In a Division Bench judgement of this Court (South Gujarat Textile Processors Association v. State of Gujarat) reported in 1994 (1) GLH 1994 following the decision of the Supreme Court in Gammon India Limited it was held that there was no violation of Article 14 or 19 of the Constitution at all and the challenge to Section 10 must fail. Following the ratio of these decisions we hold that the challenge against the constitutionality of the provisions of Section 10 of the said Act does not survive. The petition is therefore rejected. Rule is discharged with no order as to costs.

(mohd)